

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

TRUETT THOMAS,

Plaintiff,

v.

No. 24-cv-473 KG/JHR

ALISHA TAFOYA,

Defendant.

ORDER OF DISMISSAL

THIS MATTER is before the Court following Plaintiff's failure to cure deficiencies as directed. Plaintiff is incarcerated and proceeding *pro se*. He initiated the case by filing a Letter-Pleading indicating he wishes to bring civil rights claims under 42 U.S.C. § 1983. (Doc. 1). On May 15, 2024, the Clerk's Office mailed Plaintiff a blank civil rights complaint and a blank motion to proceed *in forma pauperis*. Plaintiff did not return the forms. By an Order to Cure Deficiencies ("Order") entered October 31, 2024, the Court directed Plaintiff to file a complaint on the § 1983 form, and to either prepay the \$405 civil filing fee or, alternatively, file a motion to proceed *in forma pauperis* within thirty days. (Doc. 2); *see also* 28 U.S.C. § 1915(a)(2) (providing that all prisoner-plaintiffs who do not prepay the filing fee must file an *in forma pauperis* motion and a certified copy of a six-month inmate account statement). The Order warns that the failure to timely comply may result in dismissal of this case without further notice.

The deadline to file a complaint on the § 1983 form and address the civil filing fee requirement expired December 2, 2024. Plaintiff did not comply, show cause for such failure, or otherwise respond to the Order. Accordingly, the Court will dismiss the opening Letter-Pleading

(Doc. 1) pursuant to Fed. R. Civ. P. 41(b) for “failure to prosecute [and] comply with the ... court’s orders.” *Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003).

IT IS THEREFORE ORDERED that Plaintiff’s opening Letter-Pleading (Doc. 1) is DISMISSED without prejudice pursuant to Fed. R. Civ. P. 41(b). The Court will enter a separate judgment closing this civil case.

  
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CHIEF UNITED STATES DISTRICT JUDGE